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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

File No. NSD-L-99-82

Indiana Utility Regulatory Commission's )

Petition for Delegation of Additional Authority )

CC Dkt. No. 96-98

to Implement Area Code Conservation Measures )

Comments of Omnipoint Communications, Inc.

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## Summary

Omnipoint Communications, Inc. (“Omnipoint”) continues to oppose granting additional number conservation authority on an “interim” basis to state regulators such as the Indiana Utility Regulatory Commission (“IURC”). Allowing states to experiment with number conservation measures before uniform, national conservation policies are in place will be both inefficient and disruptive, especially since such measures may well be preempted by the Commission’s forthcoming rules in CC Docket 99-200. Indeed, the Commission’s recent decisions granting such authority to the states of California, Connecticut, Florida, Massachusetts, Maine, New Hampshire, New York, Ohio, Texas and Wisconsin is starting to produce a time-consuming, expensive, fragmented, chaotic patchwork of conservation measures and proposals that carriers such as Omnipoint have long warned about. Worse, all of these measures will be wasted effort if the state decisions are modified or preempted within the coming year. Omnipoint urges the Commission to abandon this mistaken course of decisions.

Omnipoint opposes the IURC’s request that it be allowed to order the “sequential” use of numbers within a NXX code or 1000 blocks. Requiring carriers such as Omnipoint to change its number reservation policies in this manner will be wasteful and disruptive, especially at a time when CMRS providers such as Omnipoint are not required to participate in the number pooling trials underlying this request.

Omnipoint opposes the IURC’s vague and open-ended request for authority to set and enforce its own fill rate, number allocation and reclamation standards. Such powers should only be delegated pursuant to uniform, national rules that take the specific characteristics and numbering needs of CMRS providers into account.

The Commission should refuse the IURC's request that it be allowed to establish additional reporting requirements for carriers, separate from the standard months-to-exhaust worksheet. Such state-specific reporting requirements are unneeded as well as inefficient, especially given the Commission's ongoing overhaul of the CO Code Use Survey ("COCUS"). Omnipoint also opposes the IURC's request because it goes beyond the bounds of the authority the Commission has delegated to state regulators in its past decisions – namely, the power to require carriers to participate in the COCUS. Omnipoint similarly opposes granting the IURC any additional auditing authority over carrier COCUS responses and code requests.

Omnipoint opposes the IURC's requests that it be permitted to initiate unassigned number porting. Separately, Omnipoint requests that if the Commission allows the IURC the authority to undertake number pooling trials, it should continue to ensure that number pooling trials are limited to LNP-capable carriers.

Omnipoint also opposes the IURC's request for authority to "order additional rationing measures" as vague, open-ended and poorly justified. Moreover, Omnipoint finds the IURC's indication that it is seeking such power to override possible industry and NANPA opposition very troubling, and shows the danger of allowing such a reallocation of power without sufficient controls.

Lastly, Omnipoint renews its request that the Commission reconsider its current policy against using of wireless-only and technology-specific overlays, and strongly recommends that the Commission require that future NPAs be implemented as overlay codes instead of splits in order to maximize their effectiveness.

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**Comments of Omnipoint Communications, Inc.**

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, respectfully submits its comments in response to the Commission's November 4, 1999 Public Notice in the above-referenced proceeding, which requested comments concerning the Petition by the Indiana Utility Regulatory Commission ("IURC") for additional delegated numbering authority. Specifically, the IURC requests the authority to: (1) enforce current number allocation standards, or to establish and enforce new standards and requirements; (2) order efficient number use practices within NXX codes; (3) order the return of unused and reserved NXX codes (and 1,000 blocks, if number pooling is implemented); (4) order number utilization and forecasting reporting, and audit such reporting; (5) order unassigned number porting; (6) order additional rationing measures; and (7) implement mandatory 1,000 block number pooling. For the reasons shown below, Omnipoint continues to oppose granting any such requests until the Commission has issued uniform, national guidelines governing number conservation.

**I.     Granting the IURC Additional Numbering Authority  
      On a Temporary Basis Would Be Both Inefficient and Disruptive**

The IURC has petitioned the Commission for additional authority to undertake "all or some of a variety of number conservation measures" so that it can act on any

conclusions of its investigation and “delay further disruptive area code relief.” In making this request, the IURC states that it is “mindful” that the Commission is currently developing national guidelines which might require the modification of any Indiana-specific measures it may adopt under this delegated authority. Against this background, the IURC attempts to downplays the potential impact of its requests by claiming that much of the requested authority “merely involves strict enforcement of existing national industry guidelines,” and promising that “care will be taken to minimize the differences” between its own measures and the Commission’s proposals.

The Commission should reject the IURC’s requests for additional numbering authority. As the Commission is well aware, the instant proceeding involves a series of national number administration and conservation matters that are already under consideration in CC Docket 99-200. For this reason, Omnipoint opposes granting the IURC any authority to order number rationing measures, number pooling, or additional auditing and enforcement powers until the Commission has finished establishing such national standards in this pending rulemaking. Granting the IURC the powers it seeks would be inefficient and disruptive, both for carriers and for the North American Numbering Plan Administrator (“NANPA”).

As Omnipoint and many other parties have previously commented<sup>1</sup> – and as the Commission has itself concluded in the past<sup>2</sup> -- the establishment of uniform, national

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<sup>1</sup> See Omnipoint Comments to the Petitions by California, Massachusetts, New York, Maine, and Florida for Additional Authority to Implement Telecommunications Numbering Conservation Methods, NSD File Nos. L-98-136/L-99-19/L-99-21/L-99-27/L-99-33, at 1-5 (filed July 16, 1999)(“Omnipoint State Comments”); see also Omnipoint Comments in CC Dkt. 99-200, at 2-5 (filed July 30, 1999)(“Omnipoint Numbering Comments”).

<sup>2</sup> See Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,

standards will prevent the decentralization of the national numbering system, preserve its unified administration by the NANPA, and maintain the Commission's ability to design and implement long-term plans and policies for extending the life of the NANP. It is therefore essential that the Commission prevent the states from enacting a fragmented, chaotic patchwork of differing regulatory requirements and conservation experiments, and ensure that the nation's numbering system continues to be governed by uniform, national conservation policies.<sup>3</sup>

Omnipoint therefore finds it intensely frustrating that despite these past decisions, and despite the record established in CC Docket 99-200 and other recent proceedings, the Commission has nonetheless granted the states of California, Connecticut, Florida, Massachusetts, Maine, New Hampshire, New York, Ohio, Texas and Wisconsin additional authority over number administration on an "interim" basis, and may now grant similar authority to the IURC. Omnipoint finds these delegations inexplicable since the Commission itself has acknowledged the serious administrative problems that may result from such delegations, and has also made clear that any "interim" measures taken by the states may soon be swept aside by the very national guidelines, standards, and procedures the Commission is currently developing in CC Docket 99-200.<sup>4</sup>

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Memorandum Opinion and Order and Order on Reconsideration, 1998 FCC LEXIS 5036 (1998) at ¶ 21, citing In the Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, Declaratory Ruling and Order, 10 FCC Record 4596, 4602 (1995) ("Ameritech Order").

<sup>3</sup> See, e.g., Omnipoint Numbering Comments at 2-5. As Omnipoint has stressed repeatedly to the Commission, it is critical to the continued development of competitive markets that numbering issues be governed by uniform, national standards. A decentralized system of state-run allocation mechanisms and conservation measures works to the detriment of non-incumbent carriers and new market entrants, which are forced to spend large amounts of money, time and human capital simply to comply with the demands of individual state regulators and pry loose sufficient number resources to meet customer demand. Id.

<sup>4</sup> See, e.g., In the Matter of Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Dkt. No. 96-98, NSD Dkt. No. L-99-27, Order, at ¶¶ 13-16 (rel. Sept. 28, 1999).

Omnipoint continues to stress that the state-by-state patchwork of numbering policies that is emerging from the Commission's state delegations is wasteful, inefficient, and disruptive, even if these policies are only temporary, and will almost certainly interfere with the Commission's long-term goals of maintaining a national, uniform numbering system.<sup>5</sup> The Commission's policy of permitting state regulators to experiment with "interim" conservation measures in the absence of centralized standards has already created a chaotic regulatory process that is already starting to cost carriers such as Omnipoint a great deal of amount of money, manpower, time, without generating appreciable benefits for consumers or the industry.<sup>6</sup> Worse, this state-based experimentation all promises to be wasted effort, since whatever measures the state regulators adopt will almost certainly be modified or preempted by the Commission within the coming year.

In short, granting additional numbering authority to the IURC will only compound an erroneous policy and waste more industry effort, while creating further

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<sup>5</sup> Such state-by-state experimentation will cause particularly serious compliance problems for CMRS providers such as Omnipoint, since they generally serve multi-state licensed areas. As the Commission is aware, CMRS providers generally operate in multi-state licensed areas based on either Major Trading Areas ("MTAs") or Basic Trading Areas ("BTAs"). Cellular carriers serve either Metropolitan Statistical Areas ("MSAs") which are also multi-state, or Rural Service Areas ("RSAs") which are state-specific. The local Mobile Switching Centers ("MSCs") and associated peripheral systems which CMRS providers use to serve these regions invariably serve customers in multiple states. Programming the MSCs to behave one way in State A and yet another way in State B is cumbersome, technically problematic, and extremely expensive. Consequently, if individual states are allowed to pick and choose from a wide menu of conservation methods -- and do so in the absence of standard, well-defined requirements -- such improvisation will substantially increase the cost of the vendor-developed software for the MSCs. Such results would drive up the costs of providing wireless services and hamper their development, and would harm both carriers and consumers without providing any corresponding benefit to the numbering system. See, e.g., Omnipoint Numbering Comments at 3.

<sup>6</sup> Even at this early stage, Omnipoint is already struggling to respond to the various rulemakings, NXX code utilization reports, information requests and conservation proposals being issued by the newly empowered state regulators. This places a considerable strain on Omnipoint's limited resources, and diverts these resources from Omnipoint's public service goals to the frustrating tasks of state-by-state regulatory compliance.



uncertainty, without drawing a commensurate benefit for consumers, carriers, the states, or the North American Numbering Plan (“NANP”). Instead of granting the IURC’s Petition, Omnipoint urges the Commission to curtail this chain of decisions and delay delegating any additional numbering authority to the states until suitable national standards are in place.

**II. The IURC Should Not Be Given  
Authority to Order Sequential Numbering Use**

The IURC requests the authority to order the “sequential” use of numbers within an NXX code or 1000 block (which will prevent carriers from “contaminating” them and, strategically, preventing the NXXs or 1000 blocks from being pooled). In support of this request, the IURC asserts that such measures will help it preserve blocks of numbers for eventual pooling. For the reasons discussed above, Omnipoint opposes any such state-based restraints on the assignment of numbering resources absent unified, national guidelines. Omnipoint typically reserves certain numbers within each NPA-NXX for testing, engineering, voice mail, sales, and other purposes, including testing numbers reserved by its joint venture partners. Requiring carriers such as Omnipoint to change the numbers that are reserved for these purposes on an “interim” basis would be disruptive and a needless waste of resources absent a final ruling by the Commission in CC Docket 99-200.

As justification for its request, the IURC claims that ordering carriers to assign numbers sequentially will preserve thousand-blocks for pooling purposes. This rationale does not apply to CMRS providers, however. Since CMRS providers are not currently LNP-capable, the Commission has not required them to participate in any state-based number pooling trials. Consequently, this burdensome requirement should not be

mandated for CMRS providers until such time as the Commission issues uniform, national guidelines or until CMRS providers such as Omnipoint become LNP-capable.

**III. The Commission Should Not Grant the IURC  
Authority to Set Allocation Standards and Reclaim Codes**

As part of its request for the power to set and enforce number allocation standards, the IURC seeks broad authority to establish fill rates, set allocation standards, and “to order the return of initial and growth NXX codes” as well as the return of protected and reserved NXX codes. Omnipoint opposes these vague and open-ended requests due to their potentially negative impact on commercial mobile radio service (“CMRS”) providers. If state regulators such as the IURC are to be delegated any such powers, it should only be done pursuant to uniform, national rules that take the specific characteristics and numbering needs of CMRS providers into account.

As the Commission has found, CMRS providers are efficient users of numbering resources.<sup>7</sup> CMRS providers typically obtain NXX codes in only 10 to 13 percent of the local rate centers they serve, and spread their assigned numbers over a much larger geographic area than a traditional wireline carrier, such as entire Numbering Plan Areas (“NPAs”).<sup>8</sup> Due to these efficiencies, CMRS providers fill their NXX codes much more

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<sup>7</sup> See Federal Communications Commission: In the Matter of Cellular Telecommunications Industry Association’s Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability Obligations and Telephone Number Portability, Memorandum Opinion and Order, 1999 FCC LEXIS 641, at ¶ 47 (Feb. 9, 1999).

<sup>8</sup> As the Commission is aware, while wireline carriers are currently required to obtain NXXs in every rate center in which they desire to compete, CMRS providers have no such limitation since they serve larger multi-state (or even nationwide) local calling areas. As a result, it would be possible for CMRS providers to concentrate all of their NXXs in one rate center within a NPA were it not for the toll and long distance charges that wireline carriers charge their customers to call wireless users. To minimize charges to wireline callers, CMRS providers select specific rate centers within each NPA which are either local calls, or short range toll calls, from a large number of surrounding wireline rate centers. Likewise, when an additional NXX is required to meet growth in this group of rate centers, the CMRS provider typically obtains another NXX in the same rate center as the existing NXX resource rather than in one of the surrounding rate centers.

quickly than wireline carriers once the codes are brought into service. Moreover, since CMRS providers are generally growing far more rapidly than their wireline counterparts, they fill NXX codes more quickly once they are assigned.

Ironically, due to the efficiency and speed with which they use their assigned numbers, CMRS are acutely exposed to shortages. When a CMRS provider suffers a shortage of numbers in any single service area the shortage affects a service area ten times the size of a wireline rate center, and effectively puts them out of business until they can obtain an additional code. In addition, while a wireline carrier may use numbers from an adjacent rate center to meet a temporary shortage, CMRS providers are frequently unable to do this (since the nearest available numbers may be in a non-adjacent rate center many miles away). Moreover, fill rate requirements or reclamation procedures which are tailored to the usage patterns of wireline providers leave CMRS providers on the brink of exhausting their assigned codes, since they have larger service areas and fewer NXXs to allocate.<sup>9</sup> Each of these results leave CMRS providers at a serious competitive disadvantage, especially since they are incapable of participating in number pooling until they are LNP-capable.

These scenarios underscore the risks that are posed if the Commission continues to delegate open-ended fill rate, allocation and reclamation powers to state regulators such as the IURC. Omnipoint is currently trying to dissuade several states from adopting industry-

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<sup>9</sup> If Omnipoint were assigned an NXX in a single rate center in Indiana, and then used these numbers within this NXX to serve customers in 10 adjacent rate centers, a blanket requirement that all carriers achieve a 75 percent fill rate within their NXXs would leave Omnipoint with approximately 3,000 unassigned numbers with which to serve customers spread over 11 rate centers.<sup>9</sup> In contrast, a wireline carrier serving the same territory would by necessity have one NXX in each of the 11 rate centers, and would have approximately 33,000 numbers available for assignment to customers even when it reached the 75 percent fill rate.

wide fill rates and code reclamation procedures that would prevent CMRS providers from obtaining critical numbering resources in the necessary time frame, and make their market entry much more difficult.<sup>10</sup> The effort expended in these proceedings seems especially wasteful since, as the Commission realizes, any standards which the states adopt under their “interim” authority may soon be replaced or substantially revised. Consequently, Omnipoint strongly urges the Commission to reverse its recent course of decisions and refuse to grant the IURC the powers to set its own fill rate, number allocation and code reclamation standards for the State of Indiana.

**IV. The IURC Should Not Be Allowed to Require Additional Reporting by Carriers**

The IURC requests the authority to require additional reporting by carriers so that it can get more “useful” information from carriers than through the standard months-to-exhaust worksheet. The IURC specifically seeks to require the inclusion of both “historical” and “forward-looking” data, and justifies this request by stating that besides aiding in more accurate need projections, such reporting could also be used to “establish a database of information for use in the development and evaluation of needs-based assignment standards.”

Omnipoint opposes this request. Omnipoint generally opposes the creation of state-specific reporting requirements, which are both inefficient and largely pointless, given the ongoing overhaul of the CO Code Use Survey (“COCUS”) and the Commission’s forthcoming national standards on number utilization. Omnipoint also opposes the IURC’s specific request, however, because it goes beyond what the Commission has allowed in

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<sup>10</sup> See Comments of Omnipoint Communications MB Operations, LLC in Maine PUC Docket No. 98-634 (filed October 29, 1999).

past delegations – namely, giving the state regulators the power to require carriers to participate in the COCUS. Omnipoint does not oppose making carrier participation in the COCUS mandatory, and does not oppose allowing the states to compel carriers to respond to the NANPA. This should, however, be the limit of the states’ additional authority in this area. No additional reporting is necessary, since state regulators should not need further detail in order to take short-term, interim conservation measures. Omnipoint is also concerned about preserving the confidentiality of such numbering data once it is submitted to state regulators such as the IURC, many of which will not prevent the disclosure of such data once it is submitted to them (unlike the NANPA). As a result, the IURC should continue to evaluate a CMRS provider’s need for numbering resources through the “Months to Exhaust” worksheet the carrier submits to the NANPA as an accompaniment to every code request.

Omnipoint also opposes granting the IURC any additional auditing authority over carrier COCUS responses and code requests, as it additionally seeks in its Petition. In past comments submitted to the Commission, Omnipoint supported expanding the NANPA’s auditing authority. Giving the IURC additional auditing authority would be inappropriate, since it would split the NANPA’s jurisdiction over code requests and unnecessarily complicate both the NANPA and the IURC’s regulatory roles. As such, Omnipoint strongly believes that granting interim auditing powers to individual state regulators such as the IURC would not improve efficiency, and would only complicate later efforts to increase and strengthen the NANPA’s jurisdiction.

**V. The IURC's Request to Initiate Number Porting Must Be Refused**

Omnipoint opposes the IURC's request that it be allowed to initiate unassigned number porting ("UNP"). As the Commission has held in past rulings on similar state requests, UNP is currently at too early a stage of development for the states to order implementation, and is therefore inappropriate at the present time.<sup>11</sup> Omnipoint also opposes UNP on the grounds that CMRS providers are not currently LNP-capable, and will not be able to participate in either number pooling or number porting measures until 2002.

**VI. The Commission Must Continue to Ensure That Number Pooling Trials Are Limited to LNP-Capable Carriers**

Omnipoint specifically opposes the IURC's requests for authority to order mandatory number pooling. For the reasons discussed above, Omnipoint believes that permitting states to implement number pooling, on a piecemeal, state-by-state basis, prior to the adoption of national standards is a bad policy, which will impose heavy burdens on carriers and complicate the adoption of nationwide policies at a later date. However, Omnipoint recognizes that barring reconsideration of it's the Commission's recent actions, the Commission may grant the IURC much the same numbering authority that it has previously delegated to the other states.<sup>12</sup> In the face of this reality, Omnipoint therefore urges that if the Commission grants the IURC authority to require mandatory number pooling, it should continue to specify that the IURC's authority to conduct number pooling trials is limited to LNP-capable carriers, as it has done in previous delegations. This limitation is especially important since the IURC Petition contains little

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<sup>11</sup> See, e.g., In the Matter of Maine Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, Order, CC Dkt. 96-98/NSD File No. L-99-27, at ¶ 25 (Sept. 28, 1999).

detail regarding the scope of its proposed number pooling trials and does not clearly state that mandatory thousand-block number pooling exempts CMRS providers.

Omnipoint continues to stress that the Commission must establish clear boundaries if it is to prevent the states from overstepping their delegated numbering authority. The need for such boundaries is underscored by recent information requests which Omnipoint has been served by the Florida Public Service Commission and the Massachusetts Department of Telecommunications and Energy, which request that non-LNP capable carriers as well as LNP capable carriers submit utilization information at the 1000 block level.<sup>13</sup> As such, these requests appear to disregard the Commission's recent forbearance ruling exempting CMRS providers from LNP in the top-100 Metropolitan Statistical Areas until the year 2002. Omnipoint and other CMRS providers do not wish to be trapped between the states and the Commission in avoidable quarrels over the scope of the states' numbering authority, and do not wish to become embroiled in pointless fights with the states over matters that should already be settled (such as the participation of CMRS providers in mandatory number pooling trials). As the CTIA has correctly indicated in a parallel proceeding, "local" number portability requirements that require the participation of CMRS providers would affect the wireless industry on a national scale, and could prejudice later efforts to develop national, uniform standards.<sup>14</sup> To

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<sup>12</sup> As the Commission is aware, it has previously delegated state regulators the ability to implement mandatory number pooling trials, adopt "interim" number assignment standards, and assume enforcement and auditing powers over carriers.

<sup>13</sup> See CTIA Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, Memorandum Order and Opinion, 14 FCC Rcd 3092 (1999).

<sup>14</sup> See CTIA Comments in File No. NSD-L-99-71/CC Dkt. No. 96-98, at 6 (addressing the New Hampshire Public Utilities Commission's requests for additional numbering authority).

prevent such time-wasting, costly and inefficient results, Omnipoint consequently encourages the Commission to specifically limit any interim number pooling authority that it may grant the IURC to LNP-capable carriers.

**VII. The IURC Should Not Be Allowed Open-Ended  
Authority to Order Additional Rationing Measures**

In its Petition, the IURC requests the authority to “order additional rationing measures” – specifically, to implement number rationing once an NPA nears jeopardy, as well as the authority to order the continuation of a rationing plan for six months following the implementation of area code relief. Omnipoint opposes both of these requests as vague and poorly justified, and stresses that state regulators such as the IURC should not be allowed such open-ended authority. Just as in the case of the fill-rate, number allocation and reclamation powers addressed above, such number rationing measures disproportionately impact CMRS providers and disadvantage them against landline competitors.<sup>15</sup>

The Commission should also be troubled by the IURC’s statement that while it would “strive for consensus” with the industry, it would like to have the authority to “allow for more rapid implementation of rationing.” Omnipoint believes that in so many words, the IURC is requesting the power to override the NANPA and to force rationing on the industry in the face of objections. Omnipoint believes that this would be a dangerous reallocation of power -- especially since such objections may be legitimate -- and would be open to abuse. For these reasons, the Commission should refuse to grant the IURC’s request for rationing authority.

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<sup>15</sup> See supra at 6-8.



**VIII. Any Grant of Authority to the IURC Should Include the Power To Implement Technology and/or Service Specific Overlays**

Omnipoint continues to reiterate its support for technology and/or service-specific overlays, and to stress that if state regulators such as the IURC are granted other numbering authority, they should also be allowed to implement technology and/or service specific overlays as a relief measure.

In the comments it filed in CC Docket 99-200, Omnipoint previously urged the Commission to reconsider its bar on technology and service-specific overlays since they promise to be a particularly efficient means of resolving numbering shortages. Since wireless-only or technology-only overlays are implemented on a state-wide basis or on the basis of MTA boundaries, they promise an immediate and effective solution to the numbering shortages experienced by CMRS providers.<sup>16</sup> As such, Omnipoint has therefore concluded that wireless-only or technology-specific overlays are no more discriminatory, inherently anti-competitive, nor any more harmful to consumers than the current rate center methodology.<sup>17</sup>

For this reason, Omnipoint continues to support the use of technology-specific or wireless-only overlays, and requests that the Commission modify its decision in the Ameritech Order, which was codified in 47 C.F.R. § 52.19(c)(3)(i). While the Ameritech Order sought to protect CMRS providers at a time when the full record on efficient

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<sup>16</sup> CMRS providers are at once a significant portion of the industry and which are comparatively blameless for the current number resource shortages. See Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, Memorandum Opinion and Order, 14 FCC Rcd 3092, at ¶ 47 (1999). Since wireline carriers are competing for the same customers as CMRS providers, a new customer for one carrier is a lost customer for another. Wireline carriers are growing at a rate of 3 to 5 percent each year. In contrast, CMRS providers are attracting large number of new subscribers and are growing at a net rate of 20 to 30 percent each year. See Omnipoint State Comments at FN 11.

<sup>17</sup> Id.

wireless industry number utilization was not known, it is now appropriate for the Commission to revisit this ruling.<sup>18</sup>

Omnipoint continues to recommend that the Commission specifically consider the following parameters for MTA-wide, NPA-wide, or state-wide overlays as means of addressing area code exhaust and number resource conservation: (a) mandatory assignment of NXXs from a new overlay code to CMRS providers, including paging carriers, and carriers provisioning dedicated fax and data lines that would not create rate center confusion in that the lines would be limited to this use and rated on a LATA basis; (b) mandatory requirement that all new wireless handsets be assigned to the new overlay code; and (c) Commission forbearance from the mandatory ten-digit dialing requirement for all dialing within the existing or new NPAs as a result of the implementation of such a non-traditional overlay.<sup>19</sup>

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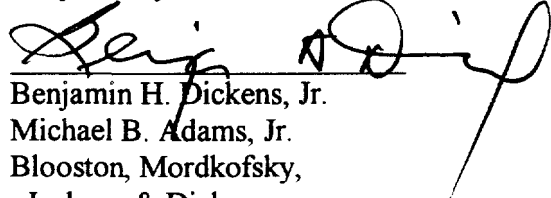
<sup>18</sup> See Omnipoint State Comments at 10.

<sup>19</sup> See Omnipoint Numbering Comments at 19.

## IX. Conclusion

For the foregoing reasons, Omnipoint encourages the Commission to reject the IURC's petition, and to reconsider its policy of granting state regulators additional numbering authority prior to issuing uniform, national guidelines. Alternatively, if the Commission grants the IURC additional numbering authority, Omnipoint requests that the Commission clarify that the states may not force the participation of CMRS providers in mandatory number pooling trials. Lastly, Omnipoint stresses that while it opposes all of the IURC's requests for authority, Omnipoint alternatively believes that any grant of numbering authority to the IURC should include the power to implement technology and/or service specific overlays.

Respectfully submitted,



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December 3, 1999

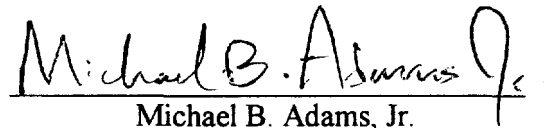
**CERTIFICATE OF SERVICE**

I, Michael B. Adams, Jr., hereby certify that I am an attorney with the law firm of Blooston, Mordkofsky, Jackson & Dickens and that a copy of the foregoing **"COMMENTS OF OMNIPOINT COMMUNICATIONS, INC."** was served this 3<sup>rd</sup> day of December, 1999, by messenger to the persons listed below.

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